

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1901 - SB 2166

February 9, 2014

SUMMARY OF BILL: Creates a new Class E felony for knowingly abusing a child in such a manner as to inflict injury at a sporting event in which the child is a participant.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$31,700/Incarceration*

Decrease Local Expenditures – Exceeds \$600

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of 51.6 convictions for child abuse/neglect each year for the past five years. It is assumed that one percent ($51.6 \times .01 = .52$) of these convictions occurred at a sporting event in which the child was a participant.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- A recidivism discount of 32.03 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2014 is \$66.29.
- The average time served for a Class E felony is 1.31 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving 1.31 years (478.48 days) for a total of \$31,718.44 ($\66.29×478.48 days).
- The proposed legislation enhances the penalty for conduct that would normally be a Class A misdemeanor child abuse/neglect violation to a Class E felony. The proposed legislation will result in an increase in state expenditures and a decrease in local expenditures. Insufficient data exists on the average time served for a Class A misdemeanor to reasonably calculate the reduction in local expenditures. However, it is reasonable to assume that the average Class A misdemeanor offender would serve more than 10 days in local jail.

- The estimated 2014 cost per inmate per day for local jails is \$62.52. The decrease in local expenditures will exceed \$625.20 (10 days x \$62.52).
- Given that the proposed legislation does not create any new offenses, but merely enhances the penalty for conduct that is already criminal, it is assumed that the courts, district attorneys, and public defenders can accommodate any impact within existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm